

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN GLASS AND GLAZING INDUSTRY
DEFINED CONTRIBUTION PENSION PLAN,
et al,

Plaintiffs,

Case No. 06-CV-13087

v

Hon. Robert J. Cleland

YPSILANTI ACME GLASS AND PAINT
COMPANY, d/b/a ACME GLASS & PAINT
COMPANY, d/b/a MICHIGAN GLASS COMPANY,

Defendant.

CONSENT ORDER RE: DISPOSITION OF MOTION FOR ENTRY
OF EX-PARTE ORDER RESTRAINING TRANSFER OF CERTAIN
PROPERTY SUPPLEMENTARY TO JUDGMENT [DOCKET NO. 140]
AND PROVIDING FOR IMMEDIATE EXECUTION AGAINST PROPERTY

THIS MATTER having come before the Court upon Plaintiffs' Motion for Ex-Parte Order Restraining Transfer of Certain Property Supplementary to Judgment [Docket No. 139] (the "Motion"), the Court having entered its Order restraining transfer of property and setting a hearing for April 28, 2009 [Docket No. 140], the parties having resolved the Motion pursuant to the terms set forth below, the Court noting the consent of the parties hereto and being otherwise fully advised in the premises;

NOW, THEREFORE;

IT IS HEREBY ORDERED as follows:

1. Plaintiffs shall have the right, but not the obligation, and without further application or hearing before this court, to engage a sheriff or court officer of its selection to enter, and to the extent necessary, to open and enter, the business premises of Ypsilanti Acme Glass and Paint Company, d/b/a Acme Glass & Paint Company, d/b/a Michigan Glass Company ("Defendant"), located at 92 Ecorse Rd. and 93 Ecorse Rd., Ypsilanti, Michigan, inspect any and all remaining assets and, without any obligation whatsoever, to seize and remove any remaining assets not exempt from execution at Plaintiffs' sole and absolute discretion, for execution sale in accordance with the Michigan statutory provisions for sale by execution. In this regard, this Order shall serve as an Order to Seize Assets authorizing a sheriff or court

officer of Plaintiffs' selection to enter the Defendant's business premises to proceed with execution in accordance with Michigan statutory provisions for sale by execution.

2. Any property not executed upon by the sheriff or court officer engaged by Plaintiffs shall be deemed to be abandoned to Defendant by Plaintiffs for further disposition by Defendant.

3. Except as provided in paragraphs 1 and 2 above, Defendant, and its officers, directors, employees and agents, and any third party who is served with a true and entered copy of this Order, are restrained from transferring or disposing of any property of Defendant, whether now owned, or hereafter acquired by, or becoming due to Defendant, until further order of this Court. This order does not apply to property exempt by law from application to the satisfaction of the judgment.

4. The hearing set by the Court for April 28, 2009 is hereby removed from the Court's docket.

DATED: April 17, 2009

S/Robert H. Cleland
U.S. DISTRICT COURT JUDGE

APPROVED FOR ENTRY:

DAKMAK PEURACH PC

ERMAN, TEICHER, MILLER,
ZUCKER & FREEDMAN, PC

/s/ per consent of Robert A. Peurach
ROBERT A. PEURACH (P34446)
Counsel for Defendant
615 Griswold St., Ste. 600
Detroit, MI 48226
(313) 964-0800
rpeurach@gdakmak.com

/s/ Craig E. Zucker
CRAIG E. ZUCKER (P39907)
Co-Counsel for Plaintiffs
400 Galleria Officentre, Ste. 444
Southfield, MI 48034
(248) 827-4100
czucker@ermanteicher.com

- and -

SACHS WALDMAN, P.C.
Hope L. Calati, Esq.
1000 Farmer St.
Detroit, MI 48226
313-965-3464
hcalati@sachswaldman.com